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Remarks

In the Office Action mailed on July 14, 2008, the Examiner objected to claims 27-29 and 32 under 35 U.S.C. § 112, second paragraph, as being indefinite.

With regard to claim 27, in Amendment "C" filed on April 24, 2008, Applicants amended claim 27 to remove the term "body" from the claim.

Claim 32 has been amended to address the Examiner's objections under 35 U.S.C. § 112, second paragraph.

The Examiner also rejected claims 7, 9-10, 13, 30-31, and 33-34 under 35 U.S.C. 102(b) as being anticipated by Kirchoff et al., U.S. Patent No. 3,972,545.

In response, Applicants believe that claims 7 and 30 are not anticipated by Kirchoff et al. '545 because the reference does not disclose all of the elements recited in the claim. Specifically, the reference does not disclose "An inflator for an inflatable restraint system in a vehicle comprising.... a filter abutting said booster cup end surface..." and "...a perforated disc abutting said filter..." as recited in claim 7. Also, the reference does not disclose a method of manufacturing a gas generator comprising the steps of "...inserting a filter member into the inflator body up to a point at which the filter bears against an end surface of the booster cup..." and "...positioning a perforated disc abutting said filter member..." as recited in claim 30.

CLAIM 7

According to MPEP § 2111.01 (iv), an applicant is entitled to be his or her own lexicographer. (See *In re Paulsen*, 30 F.3d 1475, 1480, 31 USPQ2d 1671, 1674 (Fed. Cir. 1994). In addition, MPEP § 2111.01 (iv) states:

"Where an explicit definition is provided by the applicant for a term, that definition will control interpretation of the term as it is used in the claim. *Toro Co. v. White Consolidated Industries Inc.*, 199 F.3d 1295, 1301, 53 USPQ2d 1065, 1069 (Fed. Cir. 1999) (meaning of words used in a claim is not construed in a "lexicographic vacuum, but in the context of the specification and drawings"). Any special meaning assigned to a term "must be sufficiently clear in the specification that any departure from common usage would be so understood by a person of experience in the field of the invention." *Multiform Desiccants Inc. v. Medzam Ltd.*, 133 F.3d 1473, 1477, 45 USPQ2d 1429, 1432 (Fed. Cir. 1998). See

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also *Process Control Corp. v. HydReclaim Corp.*, 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999) and MPEP § 2173.05(a). The specification should also be relied on for more than just explicit lexicography or clear disavowal of claim scope to determine the meaning of a claim term when applicant acts as his or her own lexicographer; the meaning of a particular claim term may be defined by implication, that is, according to the usage of the term in the context in the specification. See *Phillips v. AWH Corp.*, 415 F.3d 1303, 75 USPQ2d 1321 (Fed. Cir. 2005) (*en banc*); and *Vitronics Corp. v. Conceptronic Inc.*, 90 F.3d 1576, 1583, 39 USPQ2d 1573, 1577 (Fed. Cir. 1996)."

Applicants note that the meaning imparted to the term "filter" in the office action (as including elements 22, 26, 28, 29, 30 and 32 of Kirchoff et al. '545) includes pH neutralizing material 26. Inclusion of pH neutralizing material 26 in the definition of "filter" as proposed by the Examiner assigns a special definition to the term "filter" which does not have *any* support in the instant specification.

In addition, as set forth in the last paragraph on page 4, continuing into page 5 of the description:

***"A cylindrical filter 38, preferably a metallic mesh filter, is positioned in inflator body 12, and filters particulate materials generated by the combustion of propellant charges 18 and 28. Filter 38 fills a volume of the housing 12 defined by the cross-section of filter 38 (shown in Figure 6) spanning from a point  $l_1$  to a second point  $l_2$ . The longitudinal distance defined by the distance between  $l_1$  and  $l_2$  ranges from about one-fourth to one half of the total length of housing 12, or  $l_T$ . Adjustment of the length of the filter 38 therefore increases or reduces the pressure of the gas at the second end 13 and as such, may function as a filter, a gas pressure throttle, and/or a heat sink depending on design criteria. Suitable, exemplary filters are available from Wayne Wire of Kalkaska, Michigan. Filter 38 also serves as a heat sink for hot combustion gases produced during inflator activation, cooling the gases before their ejection into the associated airbelt or airbag. In a preferred embodiment, a perforated disc 30, preferably an expanded metal, is positioned adjacent filter 38, and facilitates the creation of a resident interim gas pressure in inflator body 12 during combustion of the propellant."*** (emphasis added)

Thus, filter 38 of the embodiments of the present invention is defined purely as a ***metallic mesh filter***, as is normally understood in the art. Furthermore, as stated above, claim 7 recites "...a filter abutting said booster cup end surface..." and "...a perforated disc abutting said filter..." In addition, this is clearly shown in FIG. 6 of the drawings. Thus, as stated in the

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specification, as recited in claim 7, and as clearly shown in the drawings, the application states that a filter *formed from only a metallic mesh material* and "spanning from a point  $l_1$  to a second point  $l_2$  ..." extends between an end surface of the booster cup and a perforated disc.

Kirchoff et al. '545 does not disclose a filter formed from *only* a metallic mesh material extending between an end surface of the booster cup and a perforated disc, as seen in the instant application. The assembly shown in Kirchoff et al. '545 includes pH neutralizing material 26 nested within mesh layers. Therefore, the assembly shown in the reference is not a filter formed from *only* a metallic mesh material, and this assembly does not meet the definition of a "filter" set forth in the instant application.

In view of the above, the rejection of claim 7 under 35 U.S.C. 102(b) as being anticipated by Kirchoff et al. '545 should be withdrawn. In addition, as claim 7 is deemed patentable, claims 9-13 are also deemed patentable as they depend from claim 7.

#### **CLAIM 30**

For the reasons et forth above with respect to claim 7, Kirchoff et al. '545 does not disclose a method of manufacturing a gas generator comprising the steps of "...inserting a filter member into the inflator body up to a point at which the filter bears against an end surface of the booster cup..." and "...positioning a perforated disc abutting said filter member..." as recited in claim 30.

As stated previously, the reference does not disclose a "filter" as that term is defined in the instant application, wherein the filter is inserted into the inflator body up to a point at which the filter bears against an end surface of the booster cup, with a perforated disc positioned abutting the filter.

In view of the above, the rejection of claim 30 under 35 U.S.C. 102(b) as being anticipated by Kirchoff et al. '545 should be withdrawn. In addition, as claim 30 is deemed patentable, claims 31-34 are also deemed patentable as they depend from claim 30.

**The Examiner also rejected claims 1-6, 11-12, 14-21, 27-29, and 32 under 35 U.S.C. 103(a) as being unpatentable over Kirchoff et al. '545 in view of Goetz et al., U.S. Patent No. 4,394,033.**

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**CLAIM 1**

For the reasons set forth above with regard to claim 7, Kirchoff et al. '545 does not teach or suggest a an inflator including a "filter" as defined in the instant application which is positioned "...abutting said booster cup end surface..." and "...a perforated disc abutting said filter..." as recited in claim 1. In addition, Goetz et al. '033 does not teach or suggest these features. Thus, no combination of the cited references would teach or suggest these features.

In view of this, the rejection of claim 1 under 35 U.S.C. 103(a) as being unpatentable over Kirchoff et al. '545 in view of Goetz et al. '033 should be withdrawn. In addition, as claim 1 is deemed patentable, claims 2-6 are also deemed patentable as they depend from claim 1.

**CLAIM 14**

For the reasons set forth above with regard to claim 7, Kirchoff et al. '545 does not teach or suggest a an inflator including a "filter" as defined in the instant application which is "...positioned in said inflator body abutting an end portion of the booster cup, said filter securing said propellant charge in said space..." and "...a perforated disc abutting said filter..." as recited in claim 14 of the instant application. In addition, Goetz et al. '033 does not teach or suggest these features. Thus, no combination of the cited references would teach or suggest these features.

In view of this, the rejection of claim 14 under 35 U.S.C. 103(a) as being unpatentable over Kirchoff et al. '545 in view of Goetz et al. '033 should be withdrawn. In addition, as claim 14 is deemed patentable, claims 15-22 are also deemed patentable as they depend from claim 14.

**The Examiner also rejected claims 22-26 under 35 U.S.C. 103(a) as being unpatentable over Kirchoff et al. '545 in view of Goetz et al. '033, and further in view of Schneider et al., U.S. Patent No. 6,279,945.**

**CLAIM 22**

For the reasons set forth previously with regard to claim 14, Applicants believe that neither Kirchoff et al. '545 in view of Goetz et al. '033 teaches or suggests all of the features recited in claim 22. In addition, Schneider et al. '945 does not teach or suggest these features. Therefore, the rejection of claim 1 as being unpatentable over Kirchoff et al. '545 in view of

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Goetz et al. '033, and further in view of Schneider et al. '945 should be withdrawn. Applicants also believe that as claim 14 is deemed patentable, claim 22 is also deemed patentable as it depends from claim 14.

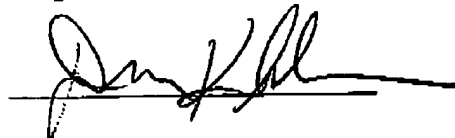
**CLAIM 23**

For the reasons set forth above with regard to claim 1, Kirchoff et al. '545 does not teach or suggest a an inflator including a "filter" as defined in the instant application which is positioned "...abutting said booster cup end surface..." and "...a perforated disc abutting said filter..." as recited in claim 23. In addition, Goetz et al. '033 does not teach or suggest these features. Furthermore, Schneider et al. '945 dos not teach or suggest these features. Thus, no combination of the cited references would teach or suggest these features.

In view of this, the rejection of claim 23 as being unpatentable over Kirchoff et al. '545 in view of Goetz et al. '033, and further in view of Schneider et al. '945 should be withdrawn. In addition, as claim 23 is deemed patentable, claims 24-26 are also deemed patentable as they depend from claim 23.

In view of the above amendments and remarks, the Applicants therefore believe that all rejections of record have been overcome. The Applicants respectfully request allowance of all remaining claims, and passage of the present application to grant.

Respectfully submitted,



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